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Violence against women migrant workers

Report of the Secretary-General

Summary

The present report, submitted pursuant to General Assembly resolution 66/128, focuses on the problem of violence against women migrant workers, specifically with regard to their access to justice. It highlights the impact on women migrant workers of legislation, policies and programmes implemented by Member States and concludes with recommendations for future action.

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I. Introduction

1. In its resolution 66/128 on violence against women migrant workers, the General Assembly requested the Secretary-General to provide a comprehensive, analytical and thematic report to it at its sixty-eighth session on the problem of violence against women migrant workers and on the implementation of the resolution, specifically with regard to access to justice for women migrant workers, highlighting the impact of legislation, policy and programmes on such workers. It called upon Governments to take measures to protect women migrant workers and provide assistance to them to prevent violence, enhance access to justice, improve data collection and enhance bilateral, regional, interregional and international cooperation.

2. The present report, which responds to the call for action contained in that resolution, covers the two-year period from July 2011 to June 2013 following the submission of the previous report on this topic (A/66/212). It incorporates submissions from 19 Member States,[1] 5 United Nations entities[2] and the International Organization for Migration (IOM). It draws on concluding observations, general recommendations and comments of human rights treaty bodies, reports by special procedures mandate holders of the Human Rights Council and other relevant sources.

3. The present report provides the context within which the issue of violence against women migrant workers may be considered, summarizes measures taken by Member States, the United Nations system and IOM to implement General Assembly resolution 66/128 and draws conclusions and makes recommendations for preventing violence against women migrant workers and assisting them in gaining access to justice.

II. Context

4. Women's international migration is a significant global phenomenon. Women constitute approximately half of the 214 million people who live and work outside their countries of birth and a large proportion of the 740 million who migrate within their countries.[3] Data from 2010 suggest that women constitute 52 per cent of international migrants in Europe, 51 per cent in Oceania, 50 per cent in Latin America, the Caribbean and North America, 47 per cent in Africa and 45 per cent in

[1] Fourteen submissions received by 7 June 2013 (from Argentina, Belgium, Brazil, Colombia, Cyprus, Greece, Ireland, Italy, Japan, Lebanon, Namibia, Poland, Singapore and Ukraine) and five submissions received after the deadline for submission for the previous report (A/66/212) (from Denmark, the Dominican Republic, Guatemala, the Niger and Peru).

[2] The International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Office on Drugs and Crime and the United Nations Entity for Gender Equality and the Empowerment of Women.

[3] See *Human Development Report 2009: Overcoming Barriers — Human Mobility and Development* (United Nations publication, Sales No. E.09.III.B.1).

Asia.[4] A total of 93 per cent of international migration and much internal migration is carried out to improve opportunities to gain access to decent livelihoods.[5]

5. Migration can enable equitable, inclusive and sustainable growth and human development for countries of origin and destination, migrants and their families. Remittances to developing countries, which reached an estimated $406 billion in 2012, are three times the size of official development assistance and are expected to continue growing.[6] Available data illustrate that women migrant workers often save and remit a larger proportion of their lower earnings than men migrant workers and do so more regularly and consistently. Their remittances are normally invested in family well-being, food, shelter, health care, education, small businesses and coping with crises, thus contributing to human capital formation, job creation and entrepreneurship, poverty reduction and greater resilience in crises.[7] Diaspora investments and women's social remittances that include a transfer of ideas, values, skills and knowledge also contribute to social and economic development in countries of origin. Migration can enhance women's agency at the household and community levels and the capacity to influence national, regional and global policy processes through engagement with migrant workers' organizations and can transform gender relations.[8]

6. The opportunities that migration offers for women's empowerment, family well-being and social and economic development hinge, however, on the alignment of policies and institutional and public responses to women migrant workers with international human rights standards embodied in international human rights treaties, including International Labour Organization (ILO) instruments.

7. Many women migrant workers face discrimination, violence and exploitation at all stages of migration. Research points to discrimination, vulnerability and abuse based on economic, gender, ethnic and immigration status, among other factors.[9] Their lack of access to full and reliable information on legal channels of migration

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[4] See the wallchart on international migration policies for 2013, prepared by the Population Division of the Department of Economic and Social Affairs of the Secretariat. Available from www.un.org/en/development/desa/population/publications/pdf/policy/InternationalMigrationPolicies2013/InternationalMigrationPolicies2013_WallChart.pdf.

[5] See Dilip Ratha, World Bank, "Leveraging migration and remittances for development", presentation made at the Global Migration Group symposium entitled "Migration and youth: harnessing opportunities for migration and development", New York, 17 May 2011. Available from www.globalmigrationgroup.org/uploads/news/2011-symposium/Migration_and_Youth_Ratha.pdf.

[6] According to the World Bank, global remittance flows, including those to high-income countries, stood at an estimated $513 billion in 2011. They are forecast to reach $623 billion by 2014, of which $467 billion will flow to developing countries.

[7] UN-Women and UNDP, "Migration, remittances and gender-responsive local development: case studies of Albania, the Dominican Republic, Lesotho, Morocco, the Philippines and Senegal" (2010). Available from www.unwomen.org/resources. See also the *2004 World Survey on the Role of Women in Development: Women and International Migration* (United Nations publication, Sales No. E.04.IV.4), available from www.un.org/womenwatch/daw/public/WorldSurvey2004-Women&Migration.pdf.

[8] See the background paper entitled "Protecting migrant domestic workers — enhancing their development potential", prepared by Jean d'Cunha and Gloria Moreno-Fontes Chammartin for round table 3.3 of the Global Forum on Migration and Development, held in Mauritius in 2012. Available from www.gfmd.org/documents/mauritius/gfmd12_mauritius12_rt_3-3-background_paper_en.pdf.

[9] See Jayati Ghosh, "Migration and gender empowerment: recent trends and emerging issues", UNDP Human Development Research Paper, No. 2009/4 (April 2009). Available from http://hdr.undp.org/en/reports/global/hdr2009/papers/HDRP_2009_04.pdf.

and terms and conditions of work makes them vulnerable to unscrupulous recruiting agents and traffickers and puts them at risk of physical, emotional and sexual violence at the hands of recruiting agents, employers and public officials, in addition to hindering access to justice for survivors of violence.

8. That policy and legal frameworks, programmes or trained personnel to facilitate women's regular migration and reduce the incidence of irregular migration are lacking or insufficient contributes to women's vulnerability in the migration process. Various factors may drive women to smuggling networks to facilitate irregular movement, including the high costs of migration, bureaucratic procedures, bans or restrictions on women's out-migration, a lack of independent migration opportunities for women and regular entry channels, demographic trends and labour market needs in countries of destination. Irregular movement may increase vulnerability to trafficking. Discriminatory immigration laws, such as visa sponsorship systems that tie workers to particular employers for the contract term, inadequate labour law coverage for certain categories of women's work, such as domestic work, and irregular status may cause women to be vulnerable to highly exploitative, abusive working conditions.

9. Abusive working conditions are characterized by forced labour,[10] disproportionately low wages, exclusion from minimum wage coverage,[11] excessively long hours of work, insufficient rest periods and leave[12] and restrictions on movement and association. In addition, women migrant workers, especially if undocumented, are often marginalized from access to basic services, protection and assistance, including in crises. They face detention, often in abusive situations, arbitrary deportation and legal and practical barriers to enjoying fundamental human rights and obtaining justice.

10. Other factors that aggravate access to justice by women migrant workers may include gender bias in legislation, inadequate provision for monitoring, complaints and dispute resolution mechanisms and discriminatory legal processes, including discriminatory attitudes on the part of security and justice personnel that may revictimize survivors of violence. In addition, women migrant workers often lack information on and access to security and justice institutions, mechanisms and services. In many cases, they abstain from reporting abuse because they fear detention, deportation and maltreatment by public authorities. This is especially the case when a migrant is undocumented, her freedom of movement is restricted, her language skills are inadequate or if she lacks work and adequate shelter.

11. Women migrant workers face violence and discrimination in their countries of origin and destination. In countries of destination, increasing anti-immigrant sentiments, prompted partly by the global economic crisis, are contributing to xenophobia, discrimination and violence against migrants, including women migrants. Inadequate and gender-blind reintegration services and stigmatization by

[10] Recent ILO estimates on forced labour indicate that, of a total of 20.9 million forced labourers globally, 14.2 million (68 per cent) are victims of forced labour exploitation in key economic sectors, such as agriculture, domestic work, construction and manufacturing. In many countries, women predominate in the first two sectors.

[11] According to ILO, some 43 per cent of women migrant workers are not included in the minimum wage coverage where it exists for other workers.

[12] According to ILO, roughly half of the world's domestic workers do not enjoy the right to a weekly rest day or limitation of their weekly working time.

families and communities in some situations may revictimize women migrant workers upon their return to their countries of origin.

12. The human rights and human development aspects of women's migration are not yet adequately integrated into national, regional and international development policy and practice, such as poverty reduction strategies and the Millennium Development Goals. This state of affairs constrains the full recognition and maximization of contributions by migrant women workers to development, their protection from violence and their access to assistance and justice.

III. Measures reported by Member States

13. In their contributions to the present report, Member States highlighted a range of measures taken to combat violence and discrimination against women migrant workers, including efforts to adhere to the provisions of international instruments, enhance national legislation, improve policies, collect data, undertake research, put in place preventive measures and measures to protect and assist victims of violence, such as access to justice, and establish bilateral and multilateral cooperation. Noting the links between violence and discrimination against women migrant workers and trafficking in women and girls, States also provided information on anti-trafficking policies and programmes.[13]

A. International instruments

14. A robust international legal framework guides States, including in terms of their bilateral and multilateral collaboration to protect women migrant workers. Since the 2011 report (A/66/212), the number of States parties to international instruments relevant to tackling violence and discrimination against women migrant workers has increased. As at 21 June 2013, 176 States had ratified or acceded to the United Nations Convention against Transnational Organized Crime (up from 161 in 2011), 156 States had ratified or acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (up from 144 in 2011), and 137 States had ratified or acceded to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime (up from 127 in 2011). Of the reporting States, Argentina, Belgium, Brazil, Colombia, Cyprus, Denmark, the Dominican Republic, Greece, Guatemala, Ireland, Italy, Lebanon, Namibia, the Niger, Peru, Poland, Singapore and Ukraine have ratified the Convention.

15. The Trafficking in Persons Protocol has been ratified by Argentina, Belgium, Brazil, Colombia, Cyprus, Denmark, the Dominican Republic, Greece, Ireland, Italy, Lebanon, Namibia, the Niger, Peru, Poland and Ukraine, while Guatemala has acceded to it.

16. The Smuggling of Migrants Protocol has been ratified by Argentina, Belgium, Brazil, Cyprus, Denmark, the Dominican Republic, Greece, Guatemala, Italy,

[13] Separate reports of the Secretary-General on trafficking in women and girls have been submitted to the General Assembly every two years, most recently at its sixty-seventh session (see A/55/322, A/57/170, A/59/185 and Corr.1, A/63/215, A/65/209 and A/67/170).

Lebanon, Namibia, the Niger, Peru, Poland and Ukraine. Ireland is a signatory to the Convention, while Japan is a signatory to the Convention and the Protocols thereto.

17. As at 21 June 2013, 46 States were parties to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (up from 44 in 2011). Some States contributing to the present report are parties to relevant ILO conventions. Brazil, Cyprus, Guatemala and Italy are parties to the Migration for Employment Convention (Revised), 1949 (No. 97); Argentina, Belgium, Brazil, Cyprus, Denmark, the Dominican Republic, Greece, Guatemala, Ireland, Italy, Lebanon, Namibia, the Niger, Peru, Poland and Ukraine are parties to the Discrimination (Employment and Occupation) Convention, 1958 (No. 111); Cyprus and Italy are parties to the Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and Belgium, Italy, Japan and Poland are parties to the Private Employment Agencies Convention, 1997 (No. 181).

18. On 16 June 2011, the General Conference of the International Labour Organization adopted an international instrument of critical significance for migrant women workers: the Domestic Workers Convention, 2011 (No. 189). The Convention proposes measures to protect and promote the labour and human rights of domestic workers. It will enter into force on 5 September 2013. As at 21 June 2013, eight countries had ratified the Convention.

19. Adherence to regional instruments tackling violence against women can also contribute to preventing and combating violence against women migrant workers. For example, Belgium, Greece, Italy and Poland have signed the Council of Europe Convention on preventing and combating violence against women and domestic violence. It will enter into force after ratification by 10 countries. Singapore is working with States members of the Association of Southeast Asian Nations (ASEAN) to conclude an instrument on implementing the ASEAN Declaration on the Protection and Promotion of the Rights of Migrant Workers, targeted for completion by 2015.

B. Legislation

20. A number of States have in place a spectrum of legal measures that can be used to protect women migrants, women migrant workers, undocumented women migrants and asylum seekers from violence and discrimination. States' protective legal measures, including constitutional law and legislation governing discrimination, employment, equal treatment and equal opportunities, worker injury compensation and statelessness, can offer protection to women migrant workers, as noted by Argentina, Belgium, Brazil, Colombia, Cyprus, Italy, Namibia, Poland, Singapore and Ukraine. Argentina has migration laws that protect migrant workers, including women, on par with other workers.

21. Similarly, provisions in penal codes that address sexual harassment, rape, sexual exploitation and domestic violence may also offer protection for women migrant workers, as noted by Japan and Namibia.

22. States (Argentina, Brazil, the Dominican Republic, Greece, Guatemala, Italy, Lebanon, Namibia, the Niger, Poland and Singapore) reported laws and measures that protect women, including women migrant workers, against sexual harassment, including at work, and against rape, stalking, domestic violence, slavery and human

trafficking. Such laws may also include provisions to assist victims and survivors. Brazil is in the process of passing a law that would provide victims of human trafficking with access to unemployment insurance and the National Immigration Council has passed a resolution to provide victims of trafficking with temporary or permanent visas. States, including Italy, note that they are seeking to address, through legal measures, the specific concerns of migrant women survivors of domestic violence whose residence status depends on that of their spouse or partner by providing them with independent residence permits when the relationship ends.

23. Labour laws that comply with international labour and human rights standards can effectively protect women migrant workers against exploitation and violence. Some States (Argentina, Colombia and Singapore) reported labour legislation that protects domestic workers, including migrant domestic workers, on par with other workers. Argentina and Colombia have amended their legislation to improve the rights of domestic workers. Argentina also reported on provisions that strengthen the protection of migrant workers by regulating such aspects as maximum working hours, rest periods, paid vacations, salary, maternity leave and access to social security. In Singapore, the Employment Act provides maternity leave coverage for all women employees, including foreign domestic workers, regardless of nationality, with strong penalties for breaches. The Employment of Foreign Manpower Act explicitly includes domestic workers and requires employers to purchase medical insurance for them. Foreign domestic workers are also protected under the Penal Code of Singapore.

24. Regulations for recruiting agencies serve to enhance accountability and can prevent or protect women migrant workers from abuse. States, including Cyprus, Poland and Singapore, reported regulations for recruitment agencies and employers, including sanctions for abuse of migrant workers.

25. Some States described the legal and administrative measures in place to protect asylum seekers, refugees and undocumented migrants against violence and discrimination. Argentina described a regularization programme for undocumented migrants. Italy has in place measures that do not require public officials to report undocumented migrants to the authorities and is engaged in efforts to combat organized crime exploiting that population. Poland reported integration programmes for foreigners who have been granted refugee status or subsidiary protection and a provision whereby undocumented workers can claim unpaid remuneration and related benefits.

26. Of the reporting States, only Argentina, Namibia and Poland reported quantitative data to illustrate the impact of their laws. Argentina naturalized some 500,000 people from 2006 to 2010. Poland noted that, in 2012, 154 persons granted refugee status and 256 persons granted subsidiary protection received social assistance. In Namibia, as a result of the Combating of Domestic Violence Act, passed in 2003, an average of more than 900 protection order applications were received nationwide every year from 2006 to 2008. Reporting States did not discuss the challenges that women migrant workers, including domestic workers or undocumented workers, may face when seeking legal protection against discrimination and violence.

C. Policies

27. Some States (Italy, Poland and Singapore) reported that their policies on migrant integration and labour protection for all workers promoted human rights and inclusive sustainable growth. In Argentina, migration policies also cover women migrant workers. Colombia and Ukraine said that they mainstreamed protection of migrant and refugee women in policies and plans on gender equality and refugees, while other States (Belgium, Cyprus, the Dominican Republic, Greece, Guatemala, Ireland, Italy, Japan and Lebanon) reported measures to protect and assist migrant women in national action plans and strategies on domestic and sexual violence and human trafficking. Italy and Poland reported policies, plans or measures to protect undocumented migrants, asylum seekers and ethnic minorities from violence. Some States (Italy, Namibia and Poland) highlighted broader national policies and plans on violence against women or on women, peace and security that were intended to offer protection to women migrant workers, although they did not specifically identify women migrant workers as a vulnerable group.

28. Ireland and Italy reported on institutional mechanisms and operational procedures established to implement policies to tackle violence and discrimination against women, including women migrant workers, such as systematic consultation with civil society in developing national policy on violence against women. Ireland has institutionalized representation of migrant women's groups in violence-related policy development and implementation. Italy highlighted its allocation of financial resources to implement migration and trafficking policies. Very little information was provided on the impacts of those policies and strategies and continuing challenges in implementation, however.

D. Data collection and research

29. Data are crucial for designing and implementing strong policies and programmes tackling violence and discrimination against women migrant workers. The scant information received on the scope and availability of data on violence against women migrant workers continues to be a concern. States drew attention to national efforts to collect sex-disaggregated data on migrants and refugees in general (Argentina, Poland and Ukraine); data on violence against women in general, including domestic and sexual violence, sexual harassment and trafficking (Brazil, Ireland, Italy, Namibia and Poland); and data on foreign migrant women, including trafficked women and survivors of violence, gathered to improve their access to justice (Brazil). Poland reported existing data-collection efforts on hate crimes such as racism, anti-semitism and xenophobia. Poland also referred to efforts to collect data on employment discrimination, sexual harassment and workplace bullying disaggregated by sex, ethnicity, nationality and religion, in addition to data on related damages, arising from rulings in cases before district and regional courts.

30. Some States reported on institutional mechanisms at the national or local level responsible for the collection, compilation, analysis and dissemination of sex-disaggregated data on gender equality issues in general (Singapore) or on employment in particular (Poland). For example, the statistical database of the Ministry of Justice of Poland keeps records of damages awarded by district and regional courts in cases of violations of equal treatment legislation governing women and men in employment.

31. Efforts to enhance research and analysis regarding concerns relating to women migrant workers and violence against women, including migrant women, continued. Brazil reported that it had launched a regional diagnosis on trafficking in women for sexual exploitation and Belgium that it had undertaken studies on honour killings and physical, sexual and psychological violence against women and men. Italy said that it collected good practices in the implementation of trafficking initiatives in order to inform the revision of national procedures for preventing trafficking and protecting trafficked persons. No contributing State reported on studies dealing specifically with access to justice by women migrant workers.

E. Preventive measures, training and capacity-building

32. Prevention strategies are central to tackling violence against women migrant workers and its root causes, including poverty and gender-based discrimination. Italy noted that its development cooperation efforts encompassed issues such as poverty reduction, gender equality and women's empowerment, including in conflict contexts and the achievement of the Millennium Development Goals, in order to prevent violence and discrimination against women and human trafficking.

33. Several States reported preventive measures to eliminate violence against women (Greece, Italy, Japan, Poland and Singapore) and human trafficking in general (Japan and Singapore), while others also included a focus on women migrant workers (Greece, Ireland, Italy and Singapore). Preventive measures included public and targeted awareness-raising (including for migrant communities), information dissemination and education through seminars, human rights education and training, guidebooks, advisories, television and radio spots, videos, web postings, posters and flyers. Such measures may be carried out in partnership with civil society groups, as noted by Ireland and Singapore. Information, awareness-raising and education campaigns may also be national in scope and targeted at the public at large, as noted by Japan, which uses Human Rights Week to promote women's rights and the 16 Days of Activism against Gender Violence (25 November to 10 December) to focus on eliminating violence against women.

34. Easily accessible information on rights, immigration procedures, labour laws and services can reduce the risk of abuse and exploitation and support access to protection and services such as legal assistance for women migrant workers. To this end, States reported that they provided a variety of information in multiple languages to women migrant workers in their countries of origin and destination. For example, Singapore sends in-principle approval letters to migrant workers before they enter the country so as to highlight work permit conditions. Singapore also deploys multiple platforms and means to educate migrant workers about their employment rights and avenues for assistance. In countries of origin, the offices of the Belgian Development Agency offer information to women and children to raise their awareness of the risks of migration. The Ministry of Labour, Employment and Social Security of Argentina, through its department on domestic work, informs domestic workers and their employers about their rights and obligations.

35. Some States target capacity-building at employers and employment agencies to prevent discrimination and violence against women migrant workers. In Singapore, the Ministry of Manpower sends out regular circulars to employers, reminding them of their obligations under legislation ensuring the well-being of the migrant women

workers whom they hire. Pre-employment courses and guidebooks are also provided to employers of migrants. Ireland delivers information and capacity-enhancing sessions on equality legislation to employers, industry groups and stakeholders in the commercial mushroom sector, which has led to a review of employment policies and enhanced protection for women migrant workers on mushroom farms.

36. Some States have conducted training programmes for government officials, the police, the judiciary, medical staff and other service providers to ensure gender-sensitive policy implementation, service provision and assistance, including access to justice, in the context of violence against women, human trafficking and protection of migrant workers. Belgium, for example, has conducted training to raise the awareness of prosecutors, police and medical personnel about domestic violence. Italy has undertaken awareness-raising campaigns and delivered human rights courses and training for judicial system personnel so as to prevent and eliminate violence against and stalking of women. Greece has established a gender-sensitive counselling methodology for interaction of lawyers, social workers and psychologists with abused women.

F. Protection and assistance

37. Migrant women who are survivors of violence need various services to help them to recover from their abusive experience and to ensure that violence is not repeated. Several States (Argentina, Brazil, Cyprus, Denmark, the Dominican Republic, Greece, Italy, Lebanon, Poland and Ukraine) reported that they had put in place services and mechanisms to protect that group of women, including information services available to survivors of violence. Such services took the form of multilingual telephone hotlines and e-mail addresses and provided information on shelters, dormitories, legal aid, health services, compensation and redress. Only Greece and Singapore reported on the impact of their preventive and protection measures, however. In Greece, new counselling centres received 10,176 hotline calls, of which 8 per cent concerned gender-based violence against migrant women, in a two-year period. In Singapore, information-dissemination programmes through 16 roadshows reached some 30,000 foreign workers in 2012.

38. Preventive measures include anti-violence or counselling centres and vocational training. Ukraine has created a reception centre and residence for single mothers, single women refugees who are pregnant and persons in need of extra protection and is advising them on medical and legal assistance. Greece has established 14 new counselling centres, 11 of which are operational.

39. Initiatives to improve the quality of services and strengthen the capacity of government officials, security and justice personnel, medical staff, counsellors and other service providers to ensure gender-sensitive prevention, protection and assistance, including access to justice for women, including migrant workers, have been developed in Belgium, Greece, Italy, Poland and Singapore. They consist of, among others, human rights training and awareness-raising with regard to domestic violence, gender-sensitive law enforcement and service provision for women victims of abuse; gender-sensitive counselling methodologies for lawyers, social workers and psychologists dealing with women victims of abuse; and standard operating procedures for counselling and legal aid centres, including codes of ethics for processing personal data. Updated technology has been used to document and regularize migrants.

40. Institutional mechanisms in some States deal with abuse of labour rights and improve access to justice, including for migrant domestic workers. Some countries, including Argentina, Cyprus, Greece and Singapore, have in place mechanisms to provide information and advice to migrant workers on their rights, including conciliation services for those who face employment-related disputes. Argentina highlighted its system of labour inspection and social security, which monitors compliance with labour and social security standards, sanctioning employers for discrimination, including on grounds of sex, nationality or social origin. Cyprus and Singapore reported on mechanisms to receive complaints and resolve disputes. Singapore has safeguards against employers attempting to repatriate their workers before settling outstanding claims and provisions whereby domestic workers whose cases have been closed can remain in the country and secure new employment.

41. Brazil, Poland and Singapore reported specific provisions to enhance access to justice for survivors of trafficking, including treatment of a trafficked person as a victim and survivor of abuse and not as an offender; investigations to identify and prosecute traffickers; and engagement with foreign embassies and non-governmental organizations to encourage trafficked victims to come forward without risk of prosecution.

G. Bilateral, regional, international and other cooperation

42. Bilateral and multilateral cooperation is critical to preventing and tackling violence and discrimination against women migrant workers. In Brazil, Denmark, the Dominican Republic, Guatemala, Italy, Lebanon and Peru, bilateral and multilateral partnerships aim at providing women migrants, including women migrant workers and trafficked women, with information, protection and assistance. For example, Brazil has bilateral agreements with Argentina, Paraguay and the Bolivarian Republic of Venezuela to protect and assist women migrants. Denmark and Lebanon work with foreign and international institutions to exchange information on human trafficking and to provide assistance and protection to victims.

43. Several States referred to cooperation within the framework of regional mechanisms such as ASEAN, the Southern Common Market (MERCOSUR) or the European Union. Brazil referred to its participation in the Meeting of Women Ministers and High-level Authorities on Women's Affairs of MERCOSUR, an intergovernmental dialogue mechanism for senior-level representatives of institutions working on gender issues.

IV. Global legal and policy development and intergovernmental meetings

44. Legal, policy and normative development continued through conventions, resolutions and recommendations adopted by United Nations intergovernmental and expert bodies. At its fifty-seventh session, the Commission on the Status of Women adopted agreed conclusions on the elimination and prevention of all forms of violence against women and girls (E/2013/27, chap. I.A), in which women migrants, including women migrant workers, were identified as requiring targeted attention. To prevent violence against them, Governments and other stakeholders were urged to further adopt and implement measures to ensure the social and legal inclusion and

protection of women migrants, including women migrant workers in origin, transit and destination countries, and promote and protect the full realization of their human rights, and their protection against violence and exploitation; implement gender-sensitive policies and programmes for women migrant workers and provide safe and legal channels that recognized their skills and education, provided fair labour conditions, and as appropriate facilitated their productive employment and decent work as well as integration into the labour force.

45. Since the finalization of the previous report, the Human Rights Council has adopted several resolutions that also deal with violence against women migrant workers, migrant children and their access to justice. In resolution 20/3 on the human rights of migrants (see A/67/53 and Corr.1, chap. II), the Council reaffirmed that all migrants were entitled to equal protection by the law and that all persons, regardless of their migratory status, were equal before the courts and tribunals and were entitled to a fair and public hearing by a competent, independent and impartial tribunal. In resolution 20/12 on accelerating efforts to eliminate all forms of violence against women (see ibid.), the Council urged States to encourage the removal of all barriers to women's access to justice and to ensure access to effective legal assistance for all female victims of violence so that they could make informed decisions; to ensure that remedies were accessible, acceptable, age- and gender-sensitive and adequately addressed victims' needs; to eliminate gender bias from the administration of justice; and to enhance the capacity of law enforcement officials to deal appropriately with violence against women. The Council also stressed the need to pay particular attention to marginalized groups of women and girls and the importance for States to ensure that remedies took into account the differential impact of violence on women due to multiple, intersecting and aggravated forms of discrimination. In resolution 18/21 on the human rights of migrants (see A/66/53/Add.1 and Corr.1, chap. II), the Council expressed concern that female migrant workers engaged in domestic services were among the most vulnerable groups of migrant workers, some of whom were subject to abuse and exposure to health and safety threats without adequate information on associated risks and precautions. It reaffirmed that all migrant workers were entitled to equal protection by the law, regardless of their migratory status, and that the State in which a migrant worker was employed had the obligation to ensure the respect of that worker's labour-related human rights, regardless of immigration status.

46. The human rights treaty bodies established under the international human rights treaties continued to take up the situation of violence against women, including migrant women, and their limited access to justice.

47. During a day of general discussions on migrant workers in an irregular situation and members of their families, held during its fifteenth session (12-23 September 2011), the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families highlighted that, in some States members of the European Union, migrant women victims of violence in an irregular situation risked expulsion when reporting to the police. It consequently urged States to ratify the International Convention on the Rights of All Migrant Workers and Members of Their Families and the related ILO conventions, remove administrative barriers preventing migrants in an irregular situation from gaining access to basic services, refrain from criminalizing individuals or organizations assisting them and consider regularizing irregular migrants (see A/67/48 and Corr.1, annex V, para. 14).

48. In 2012, the Committee against Torture adopted general comment No. 3, on the implementation of article 14 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment by States parties. Article 14 requires each State party to ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. The Committee elaborated on the principle of non-discrimination and on implications for States parties with regard to women. Reiterating that being female intersected with other identifying characteristics or status of the person such as nationality and immigrant status (as stated in general comment No. 2 (2008)), the Committee stressed that States must ensure that access to justice and to mechanisms for seeking and obtaining redress were equally accessible to all persons regardless of factors such as national or social origin, gender or economic status, including those marginalized or made vulnerable on bases of such factors (CAT/C/GC/3, paras. 32 and 39).

49. In the same general comment, the Committee also emphasized that judicial and non-judicial proceedings should apply gender-sensitive procedures which avoided revictimization and stigmatization of victims of torture or ill-treatment. It considered that complaints mechanisms and investigations required specific positive gender-related measures to ensure that victims of abuses such as sexual violence, abuse and trafficking were able to come forward and seek and obtain redress (ibid., para. 33). The Committee urged States parties to develop coordinated mechanisms to enable victims to execute judgements across State lines, including recognizing the validity of court orders from other States parties and assisting in locating the assets of perpetrators (ibid., para. 38).

50. Special rapporteurs of the Human Rights Council voiced concern at restrictive immigration and labour policies in relation to undocumented migration and migrant trafficking and highlighted the vulnerability of all undocumented migrants, including victims of trafficking, and their limited access to justice. The Special Rapporteur on the human rights of migrants drew attention to the increasing criminalization of irregular migration and abuse of migrants at all stages of migration. He found that, in many countries, criminalization was linked to persistent anti-migrant sentiments, often reflected in policies and institutional frameworks designed to manage migratory flows, often in a purely restrictive manner (see A/HRC/17/33, para. 12). Subsequently, the next holder of the mandate stressed that victims of trafficking should be recognized as victims and not be held responsible for the acts of their traffickers, noting that the fear of being detained, often seen as a prelude to being returned to their country of origin and finding themselves again at the mercy of their traffickers, might prevent victims of trafficking from seeking protection, assistance and justice (see A/HRC/20/24, para. 42).

51. The Special Rapporteur on trafficking in persons, especially women and children, maintained that national immigration laws could also contribute to preventing migrant workers from being trafficked into supply chains. Referring to the report of the United Nations High Commissioner for Human Rights to the Economic and Social Council (E/2002/68/Add.1), she pointed out that increasing opportunities for legal, gainful and non-exploitative labour migration was a measure that States might take to prevent trafficking in persons (see A/67/261, para. 19).

52. The Global Forum on Migration and Development increasingly deals with gender equality and women's rights issues relating to migration, especially in respect of domestic workers. In 2011, the Forum, with Switzerland as its Chair, held two meetings on domestic workers at the interface of migration and development, in partnership with the Governments of Ghana and Jamaica, and with the support of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), IOM and other partners. In 2012, the Forum, with Mauritius as its Chair, organized a round table at its summit meeting in Mauritius on protecting migrant domestic workers. It was co-chaired by Turkey and the Philippines and supported by UN-Women, ILO, the International Federation of Red Cross and Red Crescent Societies and other partners. Key results of the meetings included an agreed checklist (launched in 2012) based on human rights standards as a tool for Governments to develop gender-sensitive legal and social protections for domestic workers; the launch of a Caribbean-wide civil society network supported by UN-Women and ILO to work with Governments in implementing legal and social protection for domestic workers; and encouragement to Governments to ratify and implement the ILO Domestic Workers Convention, 2011 (No. 189).

V. Initiatives of United Nations entities and the International Organization for Migration in support of national efforts

A. Research and data collection

53. United Nations and related entities support the increased availability of data on migrant women and children, including on violence against them, for example through the establishment of observatories and data-collection processes. As a result of UN-Women advocacy, the 2011 National Population and Housing Census in Nepal contained sex-disaggregated data on out-migration at the district level. In Thailand, the United Nations Children's Fund developed and implemented a pilot child protection, monitoring and response system to identify children and families in need of social services. Data disaggregated by nationality, migration status, education level and child labour factors are being collected. The Office of the United Nations High Commissioner for Refugees (UNHCR) supported Colombia, Ethiopia, Kenya and Uganda to implement a gender-based violence information management system that enables humanitarian actors to respond to sexual and gender-based violence, including by providing legal assistance. IOM established an observatory to improve sex-disaggregated and age-disaggregated data collection, analysis and dissemination in 11 countries and assists States in the development of gender-sensitive migration and labour policies.

54. Entities have undertaken action-oriented research on violence against women migrant workers and trafficked women migrants. IOM analysis of the investigation and prosecution of archived cases of trafficking, forced labour, pimping, irregular migration, illegal border crossing and illegal expatriation of children informed the development of a draft guide for investigators and prosecutors on rights-based standards of law enforcement on human trafficking, including victim protection.

B. Support for legislative and policy development

55. Entities of the United Nations system and IOM have collaborated with national authorities to ensure that laws and policies coherently address protection, assistance and prevention of violence against women migrant workers and trafficked women migrants. ILO is supporting a review of labour migration policies and collective bargaining processes in Jordan. In Nepal, UN-Women supported efforts to ensure that foreign employment policy recognizes and protects the rights of women migrant workers. In Mexico, UNHCR advocated reflecting the link between trafficking and asylum in the implementing regulations for the Migration Act published in September 2012. In Cambodia, with the support of UN-Women, migrant workers who survived violence participated in consultations informing the national action plan on violence against women. UN-Women supported a gender analysis of the policy and legislative frameworks on labour migration in Kazakhstan, Kyrgyzstan, the Russian Federation and Tajikistan. IOM is supporting a partnership between the Governments of India, the Philippines and the United Arab Emirates to develop policies that regulate the recruitment and deployment of women migrant workers. Under the Abu Dhabi Declaration of Asian Countries of Origin and Destination, this initiative will develop best practices in administering temporary contractual employment in the health and hospitality sectors. The United Nations Office on Drugs and Crime has developed model strategies and practical measures to assist States in developing and implementing policies and processes, including with regard to criminal justice, to better prevent and respond to violence against women, including migrant workers.

56. Transnational cooperation between countries of origin, transit and destination is central to ensuring that migration regimes are responsive to the human rights of women migrant workers and to optimizing the development benefits of migration. IOM supported Moldovan law enforcement agencies in holding bilateral discussions with Cyprus and Greece on cooperation in human trafficking cases. ILO, UN-Women and IOM supported the development of migration policies to protect the rights of women domestic workers migrating from Ethiopia and Somalia to Lebanon and the Sudan. In Cambodia, Indonesia, the Lao People's Democratic Republic, Myanmar, the Philippines, Thailand and Viet Nam, ILO supports legal and safe migration and improved labour protection through bilateral and regional approaches that are aligned with the ASEAN Labour Ministers' Work Programme, 2010-2015.

C. Advocacy, awareness-raising and capacity-building

57. Entities of the United Nations system and IOM supported advocacy, awareness-raising and capacity-building efforts to prevent violence against women migrant workers. They include provision of support to national partners to enhance access by women migrant workers to better employment and services (IOM and ILO). Entities have disseminated information on and raised awareness of the use of legal migration channels and human and labour rights protection for women migrant workers, including domestic workers, through media networks, community alert groups and joint programmes (UN-Women, ILO and IOM). UN-Women reached out to parliamentary forums to support revisions to Cambodian labour legislation to cover domestic workers. Entities have developed a strategy for the Arab region to advocate the ratification and implementation of the ILO Domestic Workers Convention, 2011 (No. 189).

58. United Nations entities and IOM supported capacity-building efforts by national authorities to protect women migrant workers and trafficked, smuggled or asylum-seeking women migrants and ensure their access to justice. This support resulted in the development of handbooks on safe migration for local government officials in Nepal and the implementation of training to enhance the quality of investigations, prosecutions and convictions with regard to human trafficking and migrant smuggling and to ensure protection for victims (IOM, UNODC and UN-Women).

59. United Nations entities supported national efforts to increase the protection of women migrant workers, including survivors of violence, and increase their access to justice. UNHCR helped with the establishment of mobile courts for asylum seekers and refugees in Djibouti, while UN-Women supported the establishment of a legal complaints and redress mechanism for undocumented migrants, including many women, in Nepal, in addition to telephone hotlines to receive complaints in Bangladesh. UN-Women also supported paralegal training for organizations that support returnee women migrant workers in Nepal and that deal with cases of labour rights violations and violence against women.

VI. Conclusions and recommendations

60. **The present report shows that States have taken national, regional and global action to tackle violence and discrimination against women migrant workers. The number of States parties to relevant international instruments, including the ILO Domestic Workers Convention, 2011 (No. 189), has increased. Member States have ratified, signed or are part of negotiations on regional instruments dealing with discrimination and violence against women, including women migrant workers.**

61. **The present report also shows that States, sometimes with the support of the entities of the United Nations system and IOM, have continued to strengthen policies, laws, national action plans and strategies that contribute to preventing violence and discrimination against women migrant workers. Examples of promising actions in this regard include incorporating documented and undocumented women migrant workers, asylum seekers and refugees into policies and programmes; developing training on gender issues, including on sexual and gender-based violence, for justice chain actors; and putting in place provisions that deal with domestic violence against women migrants or extending labour laws to cover domestic workers. Bilateral and multilateral partnerships have also been forged, providing a strong basis for tackling discrimination and violence against women migrant workers.**

62. **Key gaps persist, however, in implementing global normative and policy frameworks to protect women migrant workers from discrimination and violence. While they may benefit from existing general legal and policy frameworks governing migration, gender equality, violence against women and labour issues, there continues to be a lack of targeted measures to specifically tackle discrimination and violence against women migrant workers, taking their specific situation into account. Gaps persist in systematic, regular, nationwide collection and dissemination of disaggregated data, including sex-disaggregated data, on migrant workers in general and women migrant**

workers in particular and in research and analysis to inform policies and programmes. Where laws, policies and other measures have been implemented, there is little reporting on their impact, results and challenges with regard to women migrant workers. Information on access to justice by women migrant workers, including on existing challenges and efforts to improve access and the results achieved, is especially lacking, the emphasis placed on this issue by the General Assembly in its most recent resolution on the topic notwithstanding.

63. **Against this backdrop, States are encouraged to implement the recommendations set out below in order to tackle discrimination and violence against women migrant workers and enhance their access to justice.**

64. **States should continue to ratify and implement international instruments, with a special focus on the ratification and implementation of the Domestic Workers Convention, 2011 (No. 189), and the Recommendation related thereto.**

65. **States should ensure that legislative provisions and judicial processes are in place to guarantee women's access to justice. Specific legal frameworks should be developed to explicitly meet the needs and rights of women migrant workers and steps taken to reform existing legislation and policies to capture the needs and rights of women migrant workers.**

66. **States should ensure that national laws protect women migrant workers, including domestic workers. Labour laws should include robust monitoring, complaints and dispute resolution mechanisms in line with relevant ILO conventions and United Nations instruments, so as to ensure the compliance of States parties with their international obligations. Immigration laws should incorporate gender perspectives so as to prevent discrimination against women, in particular with regard to independent migration, specific restrictions and bans, and should permit migrant women victims of violence to apply for residence permits independently of abusive employers and spouses. Sponsorships systems that tie women migrant workers to particular employers should be eliminated.**

67. **States should enhance collection and dissemination of disaggregated data, research and analysis on migration and violence against and violations of migrant women's rights at all stages of the migration process, their access to protection and assistance, including their access to justice, as well as migrant women workers' contribution to development.**

68. **States should ensure coherence between migration, labour and anti-trafficking policies, programmes and institutional mechanisms that are gender sensitive and protect the human rights of all women migrant workers.**

69. **States should continue education, awareness-raising and other violence prevention efforts directed at migrant women, recruiting and employment agencies, employers, the media, public officials and the population in general in origin and destination countries and ensure that they are appropriately tailored to the target groups.**

70. **States should strengthen support systems for victims of violence that are linguistically and culturally appropriate and ensure their access to them in accordance with human rights standards, regardless of their immigration status. Such support should include provision of information on the rights of**

women migrant workers, hotlines, accessible monitoring, complaints and dispute resolution mechanisms, legal aid and assistance, psychological, health and social services, access to shelters and compensation for damages.

71. **States should continue to conclude and implement bilateral and multilateral arrangements to ensure the protection of the rights of all women migrant workers and facilitate effective law enforcement and prosecution, prevention, capacity-building, victim protection and support, exchange of information and good practices that combat violence and discrimination against women migrant workers.**

72. **The United Nations system and related entities should continue and step up their efforts and strengthen partnerships with all stakeholders, including civil society organizations that support women migrant workers. They should coordinate their work in support of effective implementation of international and regional obligations and normative standards, enhance their impact and strengthen positive outcomes for women migrant workers.**